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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Replacement of Part 90 by)
Part 88 to Revise the Private)
Land Mobile Radio Services)
and Modify the Policies)
Governing Them)
)
and) PR Docket No. 92-235
)
Examination of Exclusivity)
and Frequency Assignment)
Policies of the Private)
Land Mobile Radio Services)

JOINT COMMENTS

The Public Safety Communications Council ("PSCC") respectfully submits this response to the Commission's request for comments on the Industrial Telecommunications Association, Inc.'s ("ITA") proposed framework for consolidation of the Private Land Mobile Radio ("PLMR") Services in the above-captioned proceeding.^{1/} UTC presented its proposed consolidation plan to the Commission on January 28, 1997, and accordingly, PSCC comments on UTC's proposal as well.

^{1/} Memorandum Opinion and Order, 62 Fed. Reg. 2027 (January 15, 1997) (MO&O).

I. Introductory Statement

The Public Safety Communications Council ("PSCC" or "the Council") is an organization of associations which the Commission has certified as the representative Frequency Coordinators for the Emergency Medical, Fire, Forestry-Conservation, Highway Maintenance, Local Government, Police, and Special Emergency Radio Services, as provided in Part 90 of the Commission's rules. The executive and sponsoring members of the Council include the American Association of State Highway and Transportation Officials ("AASHTO"), the Association of Public Safety Communications Officials International, Inc. ("APCO"), the International Association of Fire Chiefs, Inc. ("IAFC"), the International Association of Fish and Wildlife Agencies ("IAFWA"), International Municipal Signal Association ("IMSA"), the Forestry-Conservation Communications Association ("FCCA"), and the National Association of State Foresters ("NASF").

The Council was formed in 1958 at the request of the Commission's staff at the time the Commission established the Local Government Radio Service as a "pool", or "overflow" service, for use by parties also eligible in the Fire, Police, Forestry-Conservation and Highway Maintenance Radio Services.

Initially, voluntary coordination of frequencies in the Local Government service was done on a shared and cooperative basis, with all of the organizations

representing these services participating in the process and meeting regularly to resolve any problems which arose. While there have been some changes over the years, including expanding the scope of the Council's interests to cover frequency coordination concerns in all of the Public Safety services and changes in PSCC membership, that cooperative effort continues today.

II. Background

In its June 1995 Report and Order, the FCC concluded that PLMR Services should be consolidated. In its Report and Order, the FCC left it to the PLMR industry to submit a "consensus plan" consolidating the twenty private radio services into 2-4 pools. Despite a series of industry-sponsored meetings, no consensus was reached by the November 1995 consolidation comment date. Some land mobile organizations, including ITA and UTC, submitted their own plans of service consolidation. ITA proposed consolidation into two pools, public safety and private wireless, and UTC proposed consolidations into three pools, emergency response, public service and business commercial. The public safety organizations, including PSCC members AASHTO and APCO, submitted initial comments opposing consolidation of the radio services.^{2/} IAFC/IMSA, in reply comments to the

^{2/} AASHTO at 2; APCO Position Paper on Radio Service Consolidation at 1-4.

consolidation proposals, urged the FCC not to "change the current system and risk harm to communications services by increasing access to channels which now are functionally committed and increasing the number of entities which have authority to coordinate specific channels but are not specifically representative of all of the constituents eligible for the enlarged frequency pools."^{3/}No public safety organization suggested a different consolidation plan.

ITA, once the Commission finalized its narrowband channel plan in a Memorandum Opinion and Order adopted on December 23, 1996, filed a "proposed technical blueprint for frequency use limitations in the post-refarming environment." ITA's proposed blueprint consists of a consolidated Frequency Table which is based on certain assumptions regarding consolidation. PSCC takes issue with the assumptions made by ITA and welcomes this opportunity to submit comments to address ITA's consolidation plan. UTC subsequently resubmitted its approach, as comments on the ITA plan, and PSCC addresses UTC's submission as well. In the Comments, PSCC sets forth the public safety community's views concerning service consolidation.

^{3/} IAFC/IMSA at 5-6.

III. Discussion

PSCC opposes consolidation of the current public safety radio services. PSCC believes that the current public safety block allocation, combined with interactive sharing rules, are the best method of managing scarce radio spectrum used for the protection of life and property. Each radio service has unique public safety needs which best are served through separate frequency blocks and coordination by a representative public safety organization.

If the Commission is determined to change the channel eligibility and frequency coordination process, PSCC believes that its membership should co-exist within a generic public safety pool. Both ITA's proposed framework, which assumes a two-pool environment, and UTC's refarming proposal are flawed. It is imperative that the existing Public Safety Services (Emergency Medical, Fire, Forestry-Conservation, Highway Maintenance, Local Government and Police) and the Special Emergency Radio Service be treated as a distinct group.

PSCC also is concerned that non-government entities with public safety responsibilities, such as volunteer fire departments and Nature Conservancies, would be ineligible for public safety licenses under the ITA regime. UTC's three-pool plan, while providing first responders greater protection, is arbitrary in that it would split the traditional public safety radio services into two pools.

UTC's suggestion that the Public Safety Radio Services be divided between what is characterized as "emergency response"^{4/} and "public services"^{5/} pools ignores not only the reality that Highway Maintenance, Forestry-Conservation and Local Government licensees provide first-responder functions,^{6/} but also that there is a substantial degree of inter-relationship in the frequency assignment process between those three services and the Police, Fire and Emergency Medical Services. Inter-service sharing is actively employed in the Public Safety Services, to the effect that many urban and suburban fire departments operate on Forestry-Conservation, Highway Maintenance and Local Government channels, just as state forestry associations may operate on Fire channels in rural areas. In many communities, Local Government radio frequencies also are used as the principal police or fire channels. Similarly, forestry conservation channels are used largely for basic law enforcement and fire fighting activities on public lands.

^{4/} Police, Fire, Emergency Medical and Special Emergency.

^{5/} Petroleum, Local Government, Highway Maintenance, Forestry-Conservation, Power and Railroad.

^{6/} Highway maintenance crews are often the first responders to incidents involving hazardous materials, flammable cargos, as well as other natural and man made disasters. Those crews are the first line of authority with respect to providing a safe and passable transportation system.

Moreover, 450 MHz channels are shared among the six Public Safety Services. To realign the services would ignore the reality of the current frequency assignments. Such a realignment as suggested by UTC would lead to the potential that Fire and other "emergency response" entities could find themselves sharing frequencies with power, petroleum or railroad licensees by virtue that channels formerly licensed to a fire department from a Forestry-Conservation, Local Government or Highway Maintenance allotment now could be assigned on a shared basis with one of the three industrial/transportation services. The Commission assiduously has avoided allowing inter-service sharing between Public Safety and non-Public Safety Services, and the UTC proposal would breach this wall.

Similarly, the Special Emergency Radio Service should be integrated with the Fire and EMRS services. The nation's Fire service is heavily involved in this situation by virtue that the Fire service is the largest provider of emergency response medical services in the country. Accordingly, if consolidation were to occur, it must entail all of the Public Safety Radio Services as well as the Special Emergency Radio Service.

Finally, should the Commission pursue its concept of service consolidation, it should allow a six-month transition period before new service pools are made

operative, to allow for upgrading of databases and for the establishment of such technical standards and operating procedures as may be appropriate within each of the consolidated pools. The user community has a substantial investment in existing systems and services, and that should not be risked by hasty implementation of new operating procedures.

WHEREFORE, THE PREMISES CONSIDERED, the Public Safety Communications Council respectfully urges the Federal Communications Commission to reject the service consolidation plans of ITA and UTC as they apply to the existing public safety services and to proceed in accordance with the foregoing recommendations.

Respectfully submitted,

**PUBLIC SAFETY COMMUNICATIONS
COUNCIL**

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